

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL R. FLANNERY and STEPHEN VOSSLER

Appeal No. 2000-0575
Application No. 08/599,680

ON BRIEF

Before FLEMING, DIXON, and BARRY, **Administrative Patent Judges**.
DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-28, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellants' invention relates to a modular floppy disk drive for internal and external use. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1. A modular floppy drive for internal and external use with a personal computer having a peripheral option bay with an internal drive connector and having an external drive connector for accessing data, the modular floppy drive comprising:

a shell having a shell adaptor connector;

a floppy drive unit disposed within the shell comprising a plurality of data/control lines on the floppy drive unit coupled to the shell adaptor connector; and

a removable carrier formed to fit into the peripheral option bay in the computer, the carrier comprising:

an open-mouthed slot sized to hold the shell;

an inside electrical connector on the carrier to couple with the shell adaptor connector on the shell; and

an outside electrical connector on the carrier coupled to the inside electrical connector, and to further couple with the internal drive connector in the peripheral option bay,

wherein the internal drive connector comprises a blind-mate connector so that the outside electrical connector on the carrier is guided into proper alignment with the internal drive connector when the carrier is inserted into the peripheral option bay.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Darden et al. (Darden)	4,941,841	Jul. 17, 1990
Cooke et al. (Cooke)	5,142,447	Aug. 25, 1992
Harase	5,155,663	Oct. 13, 1992

The state of the art in computers.

Claims 1, 2, 4-13, and 15-28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Harase in view of Darden and the state of the art in computers. Claims 3 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Harase, Darden and the state of the art in computers in view of Cooke.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's answer (Paper No. 16, mailed Dec. 4, 1997) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 15, filed Nov. 21, 1997) and reply brief (Paper No. 17, filed Feb. 9, 1998) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the

respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

Appellants argue that the combination of Harase and Darden is improper because Harase is non-analogous art and that there is no teaching in the prior art to suggest the combination of Harase and Darden. (See brief at page 7.) We agree with appellants.

The examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention "to modify the assembly of Harase to be used for any data storage device as taught by Darden (including a floppy drive) to increase flexibility and storage capacity and to use existing state of the art connectors, floppy drives, sizes, and controls to reduce costs and allow operation with existing computers." (See answer at page 4.) We disagree with the examiner conclusory line of reasoning for combining Harase and Darden. From our review of Harase and Darden, we do not agree with the examiner that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the removable memory card and removable adapter of Harase with the teachings of Darden since Darden teaches the permanent connection of the support bracket 100 in combination with a slide-in cartridge 40. (See Darden at col. 3.) The examiner has not provided a convincing line of reasoning why it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the removable card system of Harase with the removable memory drive and permanent support of Darden.

Therefore, the examiner has not established a ***prima facie*** case of obviousness, and we cannot sustain the rejection of independent claim 1 and its dependent claims 2, 4 and 21.

Similarly, independent claims 5, 19, 20, and 24-28 contain similar limitation.

Therefore, we cannot sustain the rejection of these claims and their dependent claims 6-13, 15-18, 22, and 23.

With respect to claims 3 and 14, Cooke does not remedy the deficiency in the combination of Darden and Harase. Therefore, we cannot sustain the rejection of these claims.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-28 under 35 U.S.C. § 103 is reversed.

REVERSED

MICHAEL R. FLEMING
Administrative Patent Judge

JOSEPH L. DIXON
Administrative Patent Judge

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LANCE LEONARD BARRY
Administrative Patent Judge

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